

STAFFORD COUNTY BOARD OF ZONING APPEALS MINUTES
February 28, 2012

The regular meeting of the Stafford County Board of Zoning Appeals (BZA) on Tuesday, February 28, 2012, was called to order with the determination of a quorum at 7:00 p.m. by Chairman Robert C. Gibbons in the Board of Supervisors Chambers. Mr. Gibbons introduced the Board members and staff and explained to the public present, the purpose, function and process of the Board of Zoning Appeals. He asked the members of the public who planned to speak at this meeting to please stand and raise their right hand, swearing or affirming to tell the truth.

Mr. Gibbons stated the Bylaws of this Board state the applicant would be allowed up to ten minutes to state their case, the other speakers would be allowed three minutes to testify, and the applicant would be allowed three minutes for rebuttal.

Members Present: Robert Gibbons, Dean Larson, Ernest Ackermann, Ray Davis, Larry Ingalls, Danny Kim, Heather Stefl and Steven Apicella

Members Absent: Robert Grimes

Staff Present: Susan Blackburn, Zoning Administrator
Melody Musante, Zoning Manager
Denise Knighting, Recording Secretary

Mr. Gibbons: Are there any changes to the advertised agenda?

Mrs. Musante: There are no changes.

DECLARATIONS AND DISQUALIFICATIONS

Mr. Gibbons: Before we hear the first case does any Board member wish to make any declarations or statement concerning any cases that is being held tonight? Does anybody have any disclosures? And I can truthfully say that you are not a relative of the young lady that is here, right?

Mrs. Musante: Correct.

Mr. Gibbons: So we got the Musante problem out of the way, okay. Now I will ask the secretary to read the first case.

PUBLIC HEARINGS

1. **SE12-01/1200018 - CHARLOTTE PARISH** - Request a Special Exception per Stafford County Code, Section 28-35, Table 3.1, "District Uses and Standards", A-1, Agricultural, Subsection (c) to allow outdoor weddings, receptions and celebrations as a Rural Home Business on Assessor's Parcel 40-51A. The property is zoned A-1, Agricultural, located at 2268 Courthouse Road in Aquia Election District.

Mrs. Musante: Case SE12-01/1200018, Charlotte Parish request a Special Exception per Stafford County Code, Section 28-35, Table 3.1, "District Uses and Standards", the A-1, Agricultural, Subsection (c) to allow outdoor weddings, receptions and celebrations as a Rural Home Business on Assessor's Parcel 40-51A. The property is zoned A-1, Agricultural, located at 2268 Courthouse

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Road in Aquia Election District. You have the application, the application affidavit, plat of property and a memo from Building Official. The applicant is requesting a Special Exception to provide outdoor events as a Rural Home Business. The venue, also known as Parish House, would be rented by clients for weddings, receptions, anniversary parties, family gatherings, children's parties and other events. Musical concerts will not be allowed. Outside vendors will be hired by the client with approval by Parish House. The applicant will provide for up to 100 vehicles. The primary dwelling is 6,100 square feet of which 218 square feet will be utilized for a dressing area. Basic supplies such as tables, chairs and extension cords will be placed within the existing storage sheds. Days and hours of operation are Thursday thru Sunday from 9:00 AM to 11:00 PM. The applicant currently operates a home photography business which is allowed by-right in the A-1, Agricultural zoning district. The existing detached garage is currently utilized for the business. The applicant has stated most of business is conducted offsite with the occasional in home session. Staff has informed her of the Certificate of Occupancy requirement for the business and will be handled at the same time as the Rural Home Business permit upon approval from the Board of Zoning Appeals. A meeting with applicant was held on January 3, 2012. The applicant provided a complete package upon submittal. No additional items were needed. A single family dwelling constructed in 1979 and a 30x42 detached garage constructed in 2007. Listed suggested development conditions are, days and hours of operation; Thursday thru Sunday from 9:00 AM to 11:00 PM. Provide off street parking. Parking along Courthouse Road will not be permitted. Scheduled events and customers by appointment only. Must comply with all State and local codes, and please see the memo from Building Official. Outside vendors must be approved by Health Department. Approval of this Special Exception will expire when this applicant vacates the property and is nontransferable. This approval may be revoked for willful noncompliance of the conditions imposed by the Board of Zoning Appeals.

Mr. Gibbons: Do you want to read what the memo from the Building Official states, so everybody... it will be part of the record.

Mrs. Musante: This is a memo dated February 16, 2012 from Cary C. Jamison, Building Official. Some of the concerns relating to a commercial building assembly use for this type of occupancy are as follows. It is understood the attendees will not be located within a structure or building where minimum number of egress as related to occupancy loads, travel distance, ADA compliance, change of use, fire protection, prevention and alarms. Will need to identify the maximum number of people that will be in attendance at any one time to calculate the minimum number of restroom facilities. Since this use is permanent in nature, a lavatory or hand cleaning station is required for the attendees after use of the restrooms will need to be on site. ADA compliant public port-a-potties must be on site. Please contact the Health Department at 540-288-9018 for information concerning port-a-potties used for outdoor events. The primary structure, residential use, will need to be ADA compliant if used for any portion where the public will need access, such as changing rooms. A building permit is required for any alterations to the building for ADA accessibility. If tents are to be used for the reception, permits and inspections will need to be acquired for fire and building code requirements, each time a new/different tent is erected if greater than 900 square feet per tent. If outside vendor are hired by the clients to provide services associated with each event and large generators are used for temporary power or amusement devices, a separate electrical and amusement device permit with inspections must be completed.

Mr. Gibbons: Okay, thank you very much. Any questions of the staff report?

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Dr. Larson: Mr. Chairman I have a question. The narrative says the... 218 square feet of the home would be used for the dressing area. Back in the application it looks like it is 280 square feet. Just to clarify that.

Mrs. Musante: That would be a typo on my part.

Dr. Larson: Thank you.

Mr. Gibbons: What is the correct number then?

Dr. Larson: 2-8-0.

Mr. Gibbons: 2-8-0?

Mrs. Musante: 2-8-0 is the correct number.

Mr. Gibbons: Okay, thank you. Good catch. Any other questions? Go ahead.

Mr. Davis: It indicates any time a different tent of over 900 square feet is use that it has to be inspected. Would it have to be inspected anytime any tent is erected?

Mrs. Musante: The Building Code, which unfortunately we do not have the Building Official here. But if it's a permit larger than 900 square feet requires a permit and inspections. Anything less than that does not require a permit and does not require inspections.

Mr. Davis: But it would require it each time...

Mrs. Musante: Correct, yes it would.

Mr. Davis: Okay.

Mr. Gibbons: Heather do you have any questions?

Mrs. Stefl: Not at this time.

Mr. Gibbons: Okay then would the applicant please come forward?

Mrs. Parish: Good evening. My name is Charlotte Parish. I have been her all my life and I have lived in my current residence for 43 years. What I would like to do is use my property as a wedding venue or event venue. I have been attending weddings as a photographer for years and years and I am very familiar with the event and event planning of a wedding. I am currently... my house is located kind of in the center of approximately 20 acres, it is 19 point something. And we have very... our neighbors are not very close at all. We are buffered by a large tree line and we do front on to Courthouse Road and I have a large open field for parking. And a very large front yard and back yard for the erection of the tents. I do plan on having all of the events outside and the restroom facilities will be portable. They will be an upscale event location, so they will have the port-a-potties that are usually pulled in on a trailer. They have several stalls and they do have hand washing facilities within that trailer. That is about it. I do have a large home and the adjacent detached garage which has facilities for changing if that is necessary. Lots of times with outdoor

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weddings the bride and groom arrive already in their attire. So they don't even need a changing room, but we do have that facility if the need arises. That is about it.

Mr. Gibbons: Any questions?

Dr. Larson: I have a question Mr. Chairman.

Mr. Gibbons: Go ahead.

Dr. Larson: Mrs. Parish in your application the question was off street parking, the answer was approximately 75 spaces. In another place it said 75 to 100 spaces. Could you clarify how much parking you are going to have available for events?

Mrs. Parish: We have a lot of parking. We can easily... we can get more than 100 vehicles in there in my opinion.

Dr. Larson: These all on the grass?

Mrs. Parish: Yes, it is a grassy field but it is a field that has been established for many years.

Dr. Larson: Thank you.

Mrs. Parish: Yes.

Mr. Gibbons: Go ahead.

Mr. Davis: There is a mention of... or no mention of lighting, the parking lot lighting. Is there going to be any lighting there? And I am concerned about the use of extension cords. I am not sure that the Fire Marshal will allow those.

Mrs. Parish: Actually, if this is approved I am going to have some electricity on poles in several areas that they can plug into and that would all have to be inspected and everything.

Mr. Davis: And the lighting in the parking lot?

Mrs. Parish: There really won't be any lighting in the parking lot other than I am planning on having one of those dusk to dawn lights put in that general area.

Mr. Gibbons: Go ahead.

Mrs. Stefl: Kind of piggy backing to that dusk to dawn... so this would be a light that would come on automatically every night whether you have an event or not?

Mrs. Parish: Hopefully I would be able to have a device where we would not have to have it on every night, only with the event.

Mrs. Stefl: And my next question is... I am concerned with the hours of operation. You state that events could start as early as 9:00 a.m. Now caterers typically need an hour before or at least an hour and a half before events and after events. My concern is are you saying that in theory a caterer

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could be at your home as early as 7:30 in the morning and as late as 12:30 at night? So you would have fleet vehicles, or you would have catering trucks, you would have vendors at your home?

Mrs. Parish: That is a possibility. The reason I put the early time was mostly for children's parties. Just in case they wanted something early in the morning. There are very few weddings or things of that sort that happen very early in the morning. But yes the vendors could be on the property preceding the 9:00 and a little bit after the 11.

Mrs. Stefl: Because I have a concern with... and maybe this is when we get into discussion, Mr. Chairman. This is unsettling to me. That is it.

Mr. Gibbons: Well I think this is the proper venue. If it is unsettling, then what is unsettling?

Mrs. Stefl: Well no, I am saying when we close the public hearing...

Mr. Gibbons: Well, but I mean...

Mrs. Stefl: ... questions or... okay well I mean...

Mr. Gibbons: If she is here now and she is testifying. If you want some commitment out of her this is the time, I think.

Mrs. Stefl: Well I guess... I would like to say that the facility would not be able to utilize... that in theory caterers would have to be out at least by... I mean 11 o'clock at night is awful late for even a wedding. I mean my own personal wedding was over at 10 o'clock and you all cleared out. So I just... I am very concerned about the late night especially... you know Courthouse as it is now and then the lighting also within the parking lot and also with ADA compliance. You are dealing with sometimes probably elderly people trying to get to their car after maybe a drink or two and also you know as possibility of a handicapped bride or groom. So I mean there is a lot of variables here when you are going to utilize it not just for weddings but also anniversary parties, children's parties, special events, retirement parties, the list is (inaudible).

Mr. Gibbons: Okay.

Mrs. Stefl: Are you... are you flexible on your hours of operation?

Mrs. Parish: Sure, I mean I could be. However a lot of brides and grooms, they do want their wedding to go until... like about 11. That is kind of a typical time frame for weddings to end, anywhere between 10 and 11. I mean in some venues they go on forever, but I personally don't like that myself even. But 11 is kind of a norm for weddings to end in this area.

Mrs. Stefl: But still, I mean a vendor could still be utilizing the home up until 12 or 1 o'clock and your neighbors and Courthouse busy.

Mrs. Parish: I am at the very end of Courthouse Road, it is definitely not busy. I am at the very, very end and it is extremely quiet and desolate back in that area.

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Mr. Gibbons: Well... maybe ask the wrong questions, or the right questions. When you go down to Courthouse Road and you put 100 or 125 cars in there and you try to bring them out at 11 o'clock at night or 10 o'clock at night that is going to be difficult. So... I mean how...

Mrs. Parish: It would be... I am sorry I don't understand the question.

Mr. Gibbons: If you are going to have 100 to 125 cars... 75 coming out at night on Courthouse Road...

Mrs. Parish: Yes.

Mr. Gibbons: A very narrow road.

Mrs. Parish: I am on Courthouse Road east.

Mr. Gibbons: Yes.

Mrs. Parish: So luckily they just opened up that new bridge...

Mr. Gibbons: Yes.

Mrs. Parish: ... and our road is really nice now.

Mr. Gibbons: I understand, but getting out on it you are going to have a tremendous amount of traffic, maybe 30 minutes or an hour everybody departing.

Mrs. Parish: Well, like I say we have a circle driveway that opens up on to Courthouse Road. Because theoretically there could be 2 driveways coming out, but for 75 cars to come out of the driveway, I don't think it would take that long and we definitely would probably have to have someone at the road, making sure the traffic flows.

Mr. Gibbons: Can you proffer something like that, that you would have somebody that is either trained by the Sheriff or maybe a deputy to do it, especially at night.

Mrs. Parish: I doubt that we could have a deputy with their... they are strained for what they have to do now. But we could definitely have an employee.

Mr. Gibbons: Then would you... in the draft you understand the building code requirement that was heard.

Mrs. Parish: Yes.

Mr. Gibbons: So you have no problem with that?

Mrs. Parish: No.

Mr. Gibbons: Okay, because I mean that is pretty restrictive now.

Mrs. Parish: Which area?

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Mr. Gibbons: ADA.

Mrs. Parish: Yes. Like I say I have the detached garage and the home both has areas for changing. The detached garage is already ADA compliant. And the home could easily be ADA compliant.

Mr. Gibbons: And on the restroom facilities, you have enough to handle 125 people?

Mrs. Parish: No, that is going to be the portable restrooms that come in. They will not be using my restrooms. They will not be coming into the home.

Mr. Gibbons: Okay, so what it says here, that what... I am not picking. I want to make sure you understand because it says you need to identify the maximum number of people that will be in attendance to calculate the number of restrooms. You are aware of that?

Mrs. Parish: Right, for the port-a-potties.

Mr. Gibbons: Yes.

Mrs. Parish: Correct.

Mr. Gibbons: Okay, then on your other... you said your front yard can accommodate two 40 by 100 tents.

Mrs. Parish: Yes.

Mr. Gibbons: And the back would be two 60 tents and one 20.

Mrs. Parish: That is just what it will accommodate, that is not what we would have at every event.

Mr. Gibbons: No, but you say that is the maximum that you would put there?

Mrs. Parish: Yes.

Mr. Gibbons: So you would proffer to that then?

Mrs. Parish: Yes.

Mr. Gibbons: Okay. And then the 2 parking areas to accommodate 75 to 100 cars, so you are going to limit yourself to 100 cars then.

Mrs. Parish: Correct.

Mr. Gibbons: Is that correct?

Mrs. Parish: That is correct.

Mr. Gibbons: Okay.

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Mrs. Stefl: Mr. Chairman she just stated she was going to have an employee who could possibly help with parking. But in her application she stated there would be no other employees besides herself.

Mrs. Parish: If that is a stipulation that you put upon me.

Mrs. Stefl: Right. And then also you mentioned port-a-johns would be brought in and that is again brought in by a large vehicle or a large truck, like a fleet vehicle, which she did not state in her application either. So... and you know with parking to, not just lighting, but what about bad weather. You know dealing with rain and... could the vehicles possible get stuck in this grassy area?

Mrs. Parish: Not for the location that I am going to designate for the port-a-potties, no.

Mrs. Stefl: No I meant where the parking is, where the cars are, that grassy area you stated where parking would be.

Mrs. Parish: Right.

Mrs. Stefl: If rain, even if it is the day before the event or the day of the event.

Mrs. Parish: They shouldn't no, it is a grassy field. I have driven on the field myself, actually when it is we or not wet, and I have not have a problem.

Mr. Gibbons: Have you got a question?

Dr. Larson: I have a question Mr. Chairman.

Mr. Gibbons: Go ahead.

Dr. Larson: Just a clarification on your application.

Mrs. Parish: Yes.

Dr. Larson: In one place it says the hours of operation, days and hours are Thursday through Saturday, 9:00 a.m. to 11:00 p.m.

Mrs. Parish: It should say Thursday through Sunday.

Dr. Larson: I am sorry, it does say Sunday. And then down below that where it talks about the traffic volume it says Monday through Thursday 4 and Friday, Saturday and Sunday 50 to 70. So I guess, assuming by the 50 to 70 you actually mean around a 100 for Friday, Saturday and Sunday. I guess my question was with Thursday, what are you doing with Thursday? Is that one of the designated days for events?

Mrs. Parish: Yes. Occasionally they like to have anniversary parties or rehearsal times for the weddings on Thursday.

Dr. Larson: So Monday through Wednesday is sort of...

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Mrs. Parish: Monday through Thursday I really don't plan on having events. The 4 cars are just my family cars. I don't have 4 cars, but that is the maximum of visitors or whatever, on Monday through Wednesday.

Dr. Larson: And just to clarify for me, I am assuming when you talk about the event going, like for example a wedding, going to 11 o'clock you are talking about the reception.

Mrs. Parish: Correct.

Dr. Larson: Thank you.

Mrs. Parish: Yes.

Mr. Gibbons: Okay so if I could just try to wrap up. You will...

Mr. Ingalls: I would like to ask a couple of questions. I have a question.

Mr. Gibbons: Go ahead.

Mr. Ingalls: First it is a beautiful site for what you are trying to do there.

Mrs. Parish: Thank you.

Mr. Ingalls: But, I am a little concerned about the hours. I know the hours; we beat it a little bit. On a Thursday night, I guess maybe your neighbor would have to get up and go to work on Friday. And I guess 11 o'clock sounds a little long on a Thursday night to be... if you were making enough noise it were disturbing, or the cars were disturbing with lights and stuff, and maybe the same on Sunday night. Would you consider shortening the hours to say 10 o'clock on Thursday and Sunday?

Mrs. Parish: Definitely the Thursday, I don't really anticipate many events on Thursday.

Mr. Ingalls: Right.

Mrs. Parish: I just threw it in there so that you would know that possibly there would be an event but it would most likely be a rehearsal or it could be a child's party.

Mr. Ingalls: Right.

Mrs. Parish: And a child's party is not going to go until 11.

Mr. Ingalls: So if we were to...

Mrs. Parish: Yes I would definitely...

Mr. Ingalls: If we were to say...

Mrs. Parish: Thursday, 10 o'clock.

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Mr. Ingalls: ... you would be limited to 10 o'clock on Thursday. How about Sunday? I know Sunday...

Mrs. Parish: Sunday's typically weddings don't go that late, but I would not want to restrict that they absolutely could not. Only because most of the time they don't because people have to get up and go to work the next morning, but if a couple has waited all these years to get married and it is their one wedding day and they wanted to go until 11, that was the reason I put it there until 11.

Mr. Ingalls: You would prefer 11 on Sunday.

Mrs. Parish: Right.

Mr. Ingalls: But you are willing to consider some earlier time on Thursday.

Mrs. Parish: Yes.

Mr. Ingalls: I guess what I think you are saying is you are going to provide enough parking and your site certainly can accommodate at least 100 cars.

Mrs. Parish: Right.

Mr. Ingalls: Now you could have an event, maybe it would have more than that. What would you think your largest event in terms of people would be?

Mrs. Parish: I am going to cap it at 125.

Mr. Ingalls: 125?

Mrs. Parish: People.

Mr. Ingalls: People.

Mrs. Parish: Yes. And they all won't drive 1 car.

Mr. Ingalls: I would hope not.

Mrs. Parish: That is why I said 50 to 100 cars.

Mr. Ingalls: So again if we would limit the size of the event, which when I say that it would be the event not counting the auxiliary staff or whatever you have got.

Mrs. Parish: Correct.

Mr. Ingalls: So some number of 125 or whatever.

Mrs. Parish: The 125 would be the guest.

Mr. Ingalls: That is what I am saying. 125 guests.

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Mrs. Parish: 125 event guests.

Mr. Ingalls: So if we limited to where your maximum number of guest would be 125, would be okay with you?

Mrs. Parish: Yes.

Mr. Ingalls: I guess as far as noise, which the only noise I guess would be music.

Mrs. Parish: Yes.

Mr. Ingalls: Which at a typical wedding reception or whatever usually there is music and I would expect you could either have a live band or recorded music. Have you thought about how that might impact your neighbors and...

Mrs. Parish: Well I have had several of my neighbors come to me and say they were very excited that we were doing this.

Mr. Ingalls: Right.

Mrs. Parish: I have not had anyone concerned about noise. Like I say I live in the middle of about 20 acres, so my nearest neighbor is not real close. It is not like you are in a subdivision and the music is traveling 3 houses down. I don't think there would be a problem. I mean I hear sometimes radios going up the road in the cars that are probably going to be as loud as what the music is on my property.

Mr. Ingalls: Let me ask the staff, does the county have a noise ordinance?

Mr. Gibbons: Yes.

Mr. Ingalls: So if we say that they have to follow the noise ordinance, that would... then I don't have to worry about it and she knows and everybody knows what that is. Okay.

Dr. Larson: We don't have to say it because it is an ordinance.

Mr. Ingalls: I know.

Mrs. Parish: Right.

Mr. Ingalls: Okay. That is all I have right now.

Mr. Gibbons: Do you have a list of those, so when we get... alright. I was going to get back to it so the only thing... you go ahead Ray.

Mr. Davis: Would you be willing to stipulate, I think we required it on a previous wedding venue, that there would be lighting in the parking lot to cover all the parking lot? If you are going to have 1 light, you may need to have 4 to cover that area of parking.

Mrs. Parish: Sure, yes. In the designated parking area, yes.

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Mr. Gibbons: How are you going to word it? Adequate lighting for evening parking? Okay.

Mrs. Stefl: What is the requirement for a commercial property in the way of lighting at a facility? Like if it was an actual building? Commercial property?

Mrs. Musante: That is something we will have to look up if you want, we will have to research that.

Mrs. Stefl: Because I am very concerned if someone should get injured or hurt and also suing her for improper lighting on the pathway or something.

Mr. Gibbons: Okay so if we can start going down the list to see if you agree with...

Mrs. Parish: Sure.

Mr. Gibbons: ... what I want to add into what you had is to provide, I don't know you would not have to call it an employee, but provide assistance in people getting on the egress to the road.

Mrs. Parish: Right.

Mr. Gibbons: That way it would not have to be an employee it could be somebody designated.

Mrs. Parish: Right.

Mr. Gibbons: And then I would like to make sure the front and back yards, the number of tents you said you would live by that.

Mrs. Parish: Yes.

Mr. Gibbons: Right. That is two 100... the back was a 20 by 60 and one 20 by... right here. And then you would limit it to... you are going to say 125...

Mr. Ingalls: Guests.

Mrs. Parish: Guests, yes.

Mr. Gibbons: Guests, right. And then what was the next?

Mr. Ingalls: A minimum of 100 parking spaces.

Mr. Gibbons: Right. And then we were going to... you must comply with the county noise ordinance.

Mrs. Parish: Yes.

Mr. Gibbons: And that is kind of strict now, because if you do goof and it gets out of control the Sheriff can revoke your permit.

Mrs. Parish: Okay.

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Mr. Gibbons: That's... he is unforgiving of that if he has to come out too many nights in a row, his patience wears thin. And then Thursday night would be 10 o'clock now, right?

Mr. Ingalls: Yes.

Mr. Gibbons: Sunday night we can't convince you to go down to 10?

Mrs. Parish: I would prefer to have 11 on that night available. I don't believe it will happen very often.

Mr. Gibbons: Okay.

Mrs. Stefl: I really would like to push for at least on Sunday night 10 o'clock and that includes staff needs to be cleared out by 10. So events...

Dr. Ackermann: That would end events pretty early.

Mr. Gibbons: I don't see how you can do that Heather.

Mrs. Stefl: Alright well then...

Mr. Gibbons: I mean I agree with 10 o'clock.

Mrs. Stefl: Then let the event end by 10 o'clock.

Mr. Gibbons: I agree with that.

Mrs. Stefl: And also my other concern, I mean we did... there were stipulations in here if we don't state it, it won't get in.

Mr. Davis: The building code requirements.

Mrs. Stefl: (Inaudible) the pages aren't numbered here.

Mr. Ingalls: While she is looking that up, Mrs. Parish... Mrs. Parish?

Mrs. Parish: Yes.

Mr. Ingalls: How many of these events do you think realistically to start? I mean I realize you would hope that it would build as the word get around.

Mrs. Parish: Correct.

Mr. Ingalls: After a year or so, how many events would you... well I assume from Thanksgiving until somewhere about now there would be none, outdoor events.

Mrs. Parish: Really it almost goes from April to October, your main time because you are outdoors.

Mr. Ingalls: Right. Okay, so you are really... the other months is really nothing going on?

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Mrs. Parish: No.

Mr. Ingalls: So we are really talking about a small time frame.

Mrs. Parish: Correct.

Mr. Ingalls: And so if that is the case would you expect or hope 1 a week or 2 a week?

Mrs. Parish: My goal would be 1 a week.

Mr. Ingalls: Your goal would be 1 a week during that time period.

Mrs. Parish: Right. It won't start off like that.

Mr. Ingalls: Right, I understand, I understand.

Mrs. Stefl: Alright, I found it. It's like page 4, it is right after the photo, the suggested development conditions.

Mr. Gibbons: Yes, I got it.

Mrs. Stefl: I just want to make sure that they were all in.

Mr. Ingalls: Well I think we are going to end up with a list longer than that.

Mrs. Stefl: Okay. I just want to make sure that these got into it.

Mr. Davis: Along with what the Building Official wrote.

Mr. Gibbons: That is correct. That is part of... and that is why I wanted it read to make sure that you understand that is pretty strict. You have that in your packet, right?

Mrs. Parish: Which part?

Mr. Gibbons: The Building Officials (inaudible).

Mr. Davis: It's the last page.

Mrs. Parish: The suggested development conditions?

Mr. Gibbons: Building Code requirements for outdoor weddings.

Mrs. Stefl: I think that is what she is saying.

Mr. Gibbons: It is pretty... it is pretty...

Mr. Ingalls: I guess I am a little confused about some of those. Some of them seem to be for a structure, not a tent.

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Mr. Gibbons: Right.

Mrs. Parish: Yes, I have the Building Code requirements.

Mr. Ingalls: And if she doesn't use the house then the house does not have to comply, the way I read it.

Mr. Gibbons: Right.

Mr. Ingalls: If she is going to dress in an... use a dressing... if that is all people are going to use and you have got a garage or whatever that is ADA and meets the requirements, then the house is not impacted.

Mrs. Parish: No.

Mr. Ingalls: That is the way I read it.

Mrs. Parish: Hopefully they won't use any of the facilities, because they are all outdoors, but if they should need that.

Mr. Gibbons: Okay, so why don't... to make a long story short why don't we go over the suggested development conditions now?

Mr. Ingalls: Why don't we close the public hearing and then...

Mr. Gibbons: Well I mean I want to get... yes.

Mr. Ingalls: And we will talk about it.

Mr. Gibbons: Okay, so with no further questions, we will allow you to sit down for a minute.

Mrs. Parish: Sit down? Okay.

Mr. Gibbons: We will open up the public hearing. Is there anybody that would like to speak for or against the applicant? Seeing none present I will close the public hearing and bring it back to the Board for discussion.

Dr. Larson: Mr. Chairman, I just wanted to discuss the times a little bit more. I agree with the 10 o'clock time on Thursday and Sunday for the time that the event ends. I am not as concerned about the support staff, caterers or whatever because you are probably talking about 1 or 2 trucks and after the event ends the noise is pretty much going to stop and once the traffic from the event leaves, that 1 or 2 vehicles remaining should not impact much of anything. So I am not concerned about that, but I would like to see the time, 10 o'clock on Thursday and Sunday, just as a courtesy to the neighbors that have to get up and go to work the following day.

Mr. Gibbons: Okay. Have you got good notes there?

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Mr. Ingalls: No. I guess what... I guess we could do it 2 ways, we could make a motion to approve and then try to discuss the development conditions or we can sit down and first lets go through and see if we can all come up with a set of development conditions that we would all....

Mr. Gibbons: We agree...

Mr. Ingalls: The majority would agree with and then we can have a motion...

Mr. Gibbons: Right.

Mr. Ingalls: ... based on that and see where it goes from there?

Mr. Gibbons: Right.

Mr. Ingalls: So if we took... Mr. Chairman I would suggest we take the 5 that we have plus then we will start adding to the 5 and see if we can all agree on...

Mr. Gibbons: Okay, so Thursday and Sunday night are 10:00 p.m. closing. Is that correct?

Mr. Davis: Correct.

Dr. Ackermann: That is fine.

Mr. Gibbons: That is the end of the event ending.

Mr. Gibbons: That is right.

Mr. Ingalls: The 10 and 11 is the event ending time.

Mr. Gibbons: Right.

Mr. Ingalls: Okay.

Mr. Gibbons: Okay, so we all agree on that?

Mr. Kim: Mr. Chairman, can I ask a question about that. If Stafford County has a noise ordinance on if Mrs. Parish's gathering was too loud, I feel kind of... I know it is my first day here, but I almost feel that why should we restrict the time at... if she wants 11 I don't see the big difference in making it 11. Simply because if the noise gets too loud, Stafford County Sheriff's will come out and say it is too loud and if Mrs. Parish doesn't make that adjustment, because there is already an ordinance in place about the noise. So I feel limiting her time at the 10 o'clock time on... I could understand Thursday because... but Sunday. A lot of people get married on Sunday and I just don't feel very comfortable with that.

Dr. Ackermann: Could I say something? It was my impression that we were not so much concerned about the noise but about the traffic and the essentially the general disturbance that would have when people were leaving at 11:00 p.m. I mean I certainly...

Mr. Gibbons: Moving 125 cars at 10 or 11 o'clock at night on a rural road is a difficult task.

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Mr. Kim: But if Mrs. Parish is at the end of Courthouse Road, how much actual traffic is coming through...

Mr. Gibbons: It is still coming... it is still going up the road.

Mr. Kim: Right.

Mrs. Stefl: (Inaudible) cars on the road.

Mr. Gibbons: Okay, so we've got that, so it's 10 o'clock on Thursday night and 10 o'clock on Sunday night. Is that correct? Provides... off street parking will not be permitted.

Mr. Ingalls: I would like to include, provide off street parking and then a minimum of 100 spaces.

Mr. Gibbons: A maximum or a minimum?

Dr. Ackermann: I guess a minimum.

Mr. Ingalls: I want a minimum, I guess.

Dr. Ackermann: So there is enough space for everybody to park?

Mr. Ingalls: Right.

Mr. Gibbons: So you are saying you can go up to 200 or 300 spaces, that is what you are saying with minimum.

Mr. Davis: If that is her desire she can do it, we only require a....

Mr. Ingalls: Well we limit the guests.

Dr. Larson: It is 125 guests.

Mr. Ingalls: I just want room for 100 spaces... is what I'm... by saying a minimum of 100 spaces if she has a birthday party for some kids I realize it is going to be...

Mr. Gibbons: Okay, I understand what you are getting to.

Mr. Ingalls: Like I say, I just think she ought to provide the space so we know she has the space for 100 cars if needed.

Mr. Gibbons: You got that.

Mr. Ingalls: Okay.

Mr. Gibbons: We surrender. Go ahead. Then you have no problem with (inaudible) scheduled events and customers? Nobody has a problem with that, right?

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Mr. Ingalls: Well I would... then again that would be the place I would put the maximum number of guests is 125.

Mr. Gibbons: Okay, we agree. You are going to add that to the... must comply with all State and local codes. And what would be a good word that this was provided must be adhered to? It says see memo from Building Official, but I would like to see...

Mr. Davis: I think you need to list them.

Mr. Gibbons: Do we have to list all of these individually or can we reference this?

Dr. Ackermann: Couldn't we say memorandum dated February 16, 2012 from Cary K. Jamison to...

Mr. Gibbons: Do you have any problem with that?

Dr. Ackermann: I mean it is in the packet and that is part of the official record, right?

Mr. Gibbons: Okay, so we will do that.

Dr. Ackermann: Just reference that specifically, I guess.

Mr. Ingalls: So we are going to say must comply with all state and local codes...

Mr. Gibbons: As defined in letter...

Mr. Ingalls: ... including memo from Building Official Memorandum...

Mr. Gibbons: Right.

Mr. Ingalls: Okay.

Mr. Gibbons: Okay, number 4. I don't see a problem with that.

Mr. Ingalls: No.

Mr. Gibbons: Number 5, that is a normal one and then number 6 will be the noise ordinance.

Mr. Davis: I don't think you need it.

Mr. Gibbons: You don't need it?

Mr. Ingalls: I guess I am always a proponent of making sure she knows what we are talking... I mean it is an ordinance.

Mr. Gibbons: And that is what Charlie has told us 2 or 3 times when we were on the Board, you have got to specify. Go out there... the guy said "hell I did not know there was a noise ordinance".

Mr. Ingalls: Right. Yes that is the first thing they are going to say...

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Mr. Gibbons: Well when you pick up your permit...

Mr. Ingalls: ... well my special use permit or special exception didn't say I had to provide for... it listed all the conditions but it did not say it pursue, it says all state and local codes, and that is a local code, I understand. I don't see what it hurts to include it but I will bow to any...

Dr. Ackermann: I think it is fine to include.

Mr. Gibbons: Okay, so we will include it. And then... let me ask you where would the tent thing be better placed Larry? We got (inaudible) of the spaces and everything, up here.

Mrs. Stefl: Do we have lighting included?

Mr. Ingalls: We need to talk about the parking lot lighting.

Mr. Gibbons: I thought you all were going to look that up, right? So you got that? Okay, what does it say?

Mrs. Musante: Section...

Mr. Ingalls: You know that... it probably say what 1 foot-candle or 2 foot-candles or something like that. I don't know what a foot-candle is but... I don't know if it is a foot long candle or what.

Mr. Gibbons: What does it say?

Mrs. Musante: Section 28-87 is outdoor lighting standards. Design and Location, mounting - all outdoor lighting shall be designed, located and mounted at heights no greater than 18 feet above grade for non-cutoff lights, 35 feet above grade for cutoff lights. All outdoor lighting shall be designed and located such that the maximum illumination, measured in foot-candles at the property line, shall not exceed three tenths foot-candle for non-cutoff lights and one and five-tenths foot-candles for cutoff lights.

Dr. Larson: Okay, so that limits the amount of light pollution to the adjacent property. I think, one of the things that I am a little concerned about is the senior citizens making their way back to the car late at night when it is dark, so there need to be sufficient lighting so they can see where they are going.

Mr. Ingalls: At the same time we don't need to create light pollution...

Dr. Ackermann: That is right.

Mr. Ingalls: ... down at the end of Courthouse Road. I don't think you want it lit up like a commercial parking lot down at the end of that road.

Mr. Gibbons: So what... how do you want to handle the lighting then? Could it be permissible to say provide adequate lighting to insure safety and well-being of the personnel there?

Mrs. Stefl: Adequate is such an open ended statement (inaudible) verses what you consider adequate. It is hard to define.

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Mr. Gibbons: I don't have a foot-candle meter with me.

Mr. Ingalls: If she was going to provide 1 of these dawn to dusk... if we said she had to provide 2 of those, would that... we know we would be getting 2 of them. We don't know what size light bulb is in it or any of that, but I mean they are pretty standard. Would that be adequate? I don't know. But at least we know what we are getting.

Mrs. Stefl: Right. I mean these foot-candles, I guess I am just trying to (inaudible) did indicate that she will be able to control when the light are on, when they are not on. Could these candles utilize at least for an hour past the event or a half-hour past the event. You know what I am saying, like a half hour before the end of the...

Mr. Gibbons: I think everybody agrees with you, but how much lighting is required? We don't know. You have got to get an engineer to do that. So Larry is coming up with it...

Mr. Davis: Well if you look out here and consider how much space is required for 100, if you look at a grassy field where there is no lines where people park, they are going to be parking all over the place. So you actually have to have more room than what you would have out here.

Mr. Ingalls: Well if you park a row of cars...

Mr. Davis: But who is going to do that?

Mr. Ingalls: I don't know.

Mrs. Stefl: She indicated that there are no other employees besides herself.

Mrs. Gibbons: No, no, she said that she was going to have assistance for the egress, for like coming off the property.

Mrs. Stefl: But like Larry said people are going to go, they are going to park their way and it could become somewhat of a nuisance.

Mr. Ingalls: I guess I am assuming that she is going to be pro-active about this and you are going to come to that place and there is going to be a little sign that says parking. And there is a field over here but maybe there is something in there that tells me I should park along this line and along that long.

Mr. Kim: Usually people follow what everybody else is doing.

Mr. Ingalls: Right and she is not going to say go park anywhere on my property. She is going to want them... because what I envision happening is and the question that Heather brought up earlier. Maybe for 1 event I park them over here, because my grass... and Heather is right, if you get a bad rain or something they may tear that part up over there and you may say well the next event I am going to park them over here until this has a chance to recover. But I don't know how she is doing it.

Dr. Ackermann: I would think if someone is concerned about making this a successful business they would provide some order to the parking. Because you are not going to want to pay the money

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to have an event at this place if it is just a bunch of stuff thrown all over the way. At least that is what I think so I am willing to trust her on that. Because we have probably all gone to events where the lighting isn't all that adequate in the evening, The Friends of the Rappahannock River event at nights you are kind of on your own going through the parking lot. Or I have been...

Mr. Gibbons: Ferry Farm, anywhere you go you are on your own.

Dr. Ackermann: But I think it is a good idea to say... to specify that there is maybe 2 lights. I think that is probably the best we can do because we don't have a code standard for what minimum lighting is, I think.

Mrs. Stefl: And that is why we are here, because we can assume a lot of things but unless it is in writing, concrete and to protect all persons, both her and, her people who will be utilizing. Her guests, I mean I think we are opening up the County, and her and us to some liability here. Because I have been at these events, these outdoor events and it is a free for all at the end trying to get out. And if we can't at least insure that there will be some kind of order.

Dr. Ackermann: I just don't think we can do everything that way.

Mr. Davis: We can try.

Dr. Ackermann: Well we can try, but then we end up legislating things down to the finest detail and I think that's inappropriate.

Mr. Davis: Can we agree on adequate lighting?

Dr. Ackermann: We could use the word adequate, what that means.

Mr. Davis: Yes, that is her decision.

Dr. Ackermann: That is for her to decide.

Mr. Gibbons: We can put it in she must provide adequate lighting for the safety and well-being of the guests. We will do that. Is that fair enough? Then the onus is on her.

Dr. Ackermann: That is right, you are right, it is off of us.

Mr. Davis: Do you remember the tea last year? Didn't we have to go out and move cars so people could get out?

Dr. Ackermann: What is that, the tea?

Mrs. Stefl: The tea?

Mr. Ingalls: That is because some people did not park them correctly.

Mr. Gibbons: Thanks, thanks, I really appreciate it.

Mr. Davis: And we had people doing the parking.

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Mr. Ingalls: Yes.

Mr. Gibbons: Okay, so we will say adequate lighting must be provided for the safety and well-being of the venue. Then I want to make sure, Larry I don't know whether you want to put this up with the parking area, but I want to make sure the tents are in there. Front and back, she said she had no problem with that.

Mr. Ingalls: I don't know what we are going to accomplish but...

Mr. Gibbons: Do you feel this is overkill then?

Mr. Kim: Yes in some aspects, absolutely sir.

Mr. Gibbons: Okay I will withdraw that then. Thank you very much Danny. I knew you were on here for... Okay the next thing, where are we going to put in there for the egress off the road? How are we going to say that?

Mr. Ingalls: Are you looking at me? I don't know something that she is going to provide a person; we don't know who and we don't really... I don't really care, to assist in ingress and egress of traffic at the...

Mr. Gibbons: Provide personnel to accommodate egress...

Mr. Ingalls: On and off Courthouse Road?

Mr. Gibbons: On and off Courthouse Road. Alright, that sounds good.

Dr. Ackermann: Even if there is only 10 cars there? Or 4 cars?

Mr. Gibbons: No I...

Dr. Ackermann: I mean do we want to say something like that...

Mr. Davis: When necessary.

Mr. Gibbons: When necessary.

Mr. Ingalls: Yes, because if you have got a 20 car event you don't need... may not need it. If you have a 100 car event, you might.

Mr. Gibbons: Okay. Any other?

Mr. Ingalls: I noticed in the staff report something about that she was not going to do any musical concerts. That ought to be a condition...

Dr. Ackermann: Yes.

Mr. Ingalls: ... of no musical concerts allowed.

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Mr. Gibbons: Got it.

Dr. Larson: Does that preclude a live band at a wedding?

Mr. Ingalls: In my definition of a musical concert would not be that. The event is a reception, it is not a musical concert. And I guess you could... you could make that a little...

Mr. Gibbons: Okay.

Mr. Ingalls: A musical concert to me is going to see Def Leppard at...

Dr. Larson: Well she can have a live band.

Mr. Ingalls: Right.

Dr. Larson: She can have 125 people.

Mrs. Stefl: Outside.

Dr. Larson: Outside. It is hard...

Mr. Ingalls: So am I... are we really...

Dr. Larson: I am not sure I could define the difference between a concert and reception.

Mr. Ingalls: Right. We have limited the number of people she could have a small concert for 125 people.

Dr. Larson: Right.

Mr. Ingalls: Right?

Mr. Kim: Generally at receptions you can... the music is not loud enough so you can talk to each other and a concert, the music is loud so you listen to the music.

Mr. Ingalls: Right. I probably could tell the... I probably can't make a definition but I know when I see a concert and I know when I see a wedding reception.

Mr. Kim: You would have to yell a little louder at a concert and you can talk normally at a wedding with a band.

Mr. Gibbons: Okay, Melody you got them all written down and we will go over them one time and see if we agree on them.

Mrs. Musante: I have got all of them but number 8. That is the one with the parking issue. Days and hours of operation Thursday from 9:00 a.m. to 10:00 p.m. Friday and Saturday, 9:00 a.m. to 11:00 p.m. Sunday, 9:00 a.m. to 10:00 p.m. Provide off street parking with a minimum of 100 spaces, parking along Courthouse Road will not be permitted. Scheduled events and customers by appointment only. Maximum number of guest 125. Must comply with all state and local codes,

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including the memo dated February 16th from the Building Official. Outside vendors must be approved by the Health Department. Approval of this Special Exception will expire when this applicant vacates the property and is non-transferrable. This approval may be revoked for willful non-compliance of the conditions imposed by the Board of Zoning Appeals. We took out the noise ordinance one, right?

Mr. Gibbons: No I think we...

Mrs. Musante: It's in there? Must comply with the local noise ordinance.

Mr. Ingalls: Stafford County.

Mrs. Musante: Stafford County noise ordinance. Number 7, must provide adequate lighting for guests to ensure safety and well-being.

Mr. Ingalls: Adequate parking lot lighting, did you say?

Mrs. Musante: Yes.

Mr. Gibbons: Don't say parking lot, adequate parking lighting.

Mrs. Musante: Parking lighting.

Mr. Ingalls: Parking lighting, okay.

Mrs. Musante: Number 8, is the...

Mr. Gibbons: Provide personnel to accommodate egress on and off Courthouse Road.

Mrs. Musante: Okay.

Mr. Gibbons: When necessary, as necessary. What do you like?

Mr. Kim: As necessary. If there is 50 cars does she need someone?

Mr. Gibbons: That would be fine, 50 alright?

Mr. Kim: I don't know, I am asking.

Mr. Gibbons: Alright with 50.

Mr. Ingalls: That is a good number.

Mr. Gibbons: Okay, 50. Alright.

Mrs. Musante: No musical concerts allowed.

Mr. Gibbons: Okay, anybody... go ahead.

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Mrs. Stefl: I just pulled up the noise ordinance and it only pertains to residential areas and she is in agricultural. So putting the noise ordinance, I think would at least be a...

Mr. Gibbons: We put that in there.

Mrs. Stefl: We did?

Mr. Gibbons: That she is going to comply.

Mrs. Stefl: I thought we said we were double killing.

Mr. Gibbons: No, we put it in.

Mr. Ingalls: We put it in.

Mrs. Stefl: Okay, good. I just wanted to make sure.

Mr. Ingalls: Thank you.

Mr. Gibbons: Okay. Danny are you alright with these?

Mr. Kim: Yes sir.

Mr. Gibbons: Doctor?

Dr. Larson: I don't like the concert one, because I... as we just discussed. It is hard for me (inaudible).

Mr. Gibbons: Well you are very good with the King James Version of the language.

Mrs. Musante: Excuse me Mr. Chair, if I could remind everybody to please speak into their mics.

Dr. Larson: I think we have limited the number of people and we have allowed her to have live music. I am not sure what else we can say. We talk about... if we say we are going to abide by the noise ordinance and that limits the amount of noise that is made, I am not sure when you say can't have a concert, I don't know what that means after we have put those other limitations on.

Mrs. Stefl: What if you add a musical event... no musical event that is not associated with a wedding, party or reception.

Dr. Ackermann: I think...

Mrs. Stefl: If not associated with an event.

Dr. Ackermann: Yes, but the event could... if I were promoting a musical concert, I would have somebody retire at the event or make it in honor of somebody's birthday party. I don't think we could... I don't see how we could... I think we could say no musical concerts and then see how it gets interpreted.

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Mrs. Stefl: But as Mr. Kim stated, it is Kim, right?

Mr. Kim: Yes.

Mrs. Stefl: Mr. Kim stated... I mean the noise ordinance is 55 decibels from (inaudible) and a concert is definitely a much louder event than when I am at a reception or event. I am still able to talk to my seat partner, still able to carry on a conversation. Where at an event I can't even hear myself think sometimes.

Dr. Larson: Right, so that's already taken care of because of the noise ordinance.

Mrs. Stefl: Right. But...

Dr. Ackermann: Sure and that way someone would have to complain about it.

Mr. Gibbons: So...

Dr. Ackermann: If it is a concert and doesn't bother anybody then we are out of it. I mean the noise ordinance goes into effect just like lots of things in the zoning ordinance, when somebody complains about it. It is not something that we go around...

Mr. Gibbons: True.

Dr. Ackermann: ... with a sound meter.

Mr. Gibbons: Is it the feeling that we don't need this statement? Is that what you are saying?

Dr. Larson: I don't think we need...

Mr. Gibbons: Could you surrender to that?

Mr. Ingalls: I could, I am okay with that.

Mr. Gibbons: Okay, everybody seems to be okay with that Doctor, we will take that out.

Dr. Larson: Thank you.

Mr. Gibbons: Okay. Doctor Ackermann, any...

Dr. Ackermann: The only thing that came to my mind and I don't know if this... maybe we should have asked it before. I guess we are assuming it is 1 event per day. Or are we assuming it is 1 event per day?

Mr. Gibbons: No, we are not.

Dr. Ackermann: We are not. So we have no problems with... I guess that is not an issue for us or is it?

Mr. Gibbons: Well, she can only park 100...

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Dr. Ackermann: But we can have it... we could be busy really from 9:00 a.m. through 11:00 p.m.

Mr. Gibbons: Right.

Dr. Ackermann: Okay, that's fine. I am fine with that too. I just wanted to make sure.

Mr. Gibbons: Larry, are you happy?

Mr. Ingalls: I'm happy.

Mr. Gibbons: Ray? Okay. Heather.

Mrs. Stefl: The last question I hope. Are we clarifying that it is 50 or more cars or 50 or more participants?

Mr. Gibbons: The participants are 125 and the cars, she has to provide parking for at least 100.

Mr. Ingalls: I guess we are saying that when the guests, when your guests exceed 50. Would that be correct? Would that be... rather than cars. You don't know how many cars. You can invite 50 people and have 20 cars. You could invite 100 people and...

Mrs. Stefl: You could have 100 cars.

Mr. Kim: Couldn't Mrs. Parish actually say... ask the reception, the wedding party how many cars they expect. And if they are going to say 50 then automatically have someone on staff.

Mr. Ingalls: So it would be cars rather than people?

Mr. Kim: I would say cars because... I would say cars.

Mr. Ingalls: Yes.

Mr. Gibbons: Okay, we agree on that? Heather are you alright with that?

Mrs. Stefl: Yes, I am good.

Mr. Gibbons: Now I would like to ask you to come back up, please. I want to make sure that we understand that we are all in agreement and what we are doing.

Mrs. Parish: Okay.

Mr. Gibbons: Do you want to hear them one more time from Melody, what we are agreeing on?

Mrs. Parish: No, I have heard them.

Mrs. Musante: Thank you.

Mr. Gibbons: Well that is alright. Can you live with this now?

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Mrs. Parish: I can. I don't think there is going to be a problem on the ingress and egress, just because of the nature of where I am and how remote we are. But I will be happy to provide somebody there if we have more than 50 cars, or 50 cars or more. That won't be a problem.

Mr. Gibbons: Okay, so you are alright with this?

Mrs. Parish: I am.

Mr. Gibbons: Okay. I want to thank you for your courtesy too.

Mrs. Parish: No problem.

Mr. Gibbons: Alright, so we wrapped it up and I think it is in your area, your neck of the woods.

Mr. Kim: No.

Mrs. Stefl: It is in Aquia.

Mr. Kim: No I am Aquia, I am sorry. I thought... I am sorry Mr. Chairman. I thought you were asking (inaudible). Yes it is.

Mr. Gibbons: If you would be so kind to make the motion with the suggested development conditions attached.

Mr. Kim: Make a motion to attach the...

Mrs. Musante: To adopt.

Mr. Kim: To adopt the suggestions...

Mr. Gibbons: Okay we are going to...

Mr. Kim: Thank you.

Mr. Gibbons: Mr. Kim is making a motion for SE12-01/1200018, Charlotte Parish as amended by the suggested development conditions.

Dr. Larson: I will second Mr. Chairman.

Mr. Gibbons: Second. All in favor say aye.

Dr. Larson: Aye.

Dr. Ackermann: Aye.

Mr. Kim: Aye.

Mrs. Stefl: Aye.

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Mr. Davis: Aye.

Mr. Ingalls: Aye.

Mr. Gibbons: Aye. All opposed. Any abstentions? And we wish you good luck.

Mrs. Parish: Thank you very much. If you ever get married, let me know.

Dr. Ackermann: Sure.

Mrs. Stefl: No, I am only doing it once.

UNFINISHED BUSINESS

2. Draft Variance Application

Mr. Gibbons: Alright, I wanted to take the agenda, just a little bit out of order here so we can get some unfinished business done. The draft ordinance that we had... Larry, that you and Steven have been working on. We got the comments back from Dr. Chandler and he said that he had no problem with it now. The night when we met with him he had some suggestions. So you two became the committee on it, so what is your wish.

Mr. Ingalls: Well I guess I was disappointed when I heard that he had no comment because I thought we discussed the application and there were some things that he agreed that maybe we should change. And then, I guess when he came back with his final statement that he thought that it was all okay. Well I was disappointed in that and... I think we have a very good ordinance, I mean a very good application. And there are parts... there are still... like I say, I don't remember exactly... I tried to go back and find my notes from that night and I could not quite put my hand on them. But there were some things that I know that we did talk about that maybe we ought to remove from it that I thought he agreed too. But...

Mr. Gibbons: Steven, have you got...

Mr. Apicella: Yes Mr. Chairman, again I kind of recall some of the comments and I think one of the primary comments was making sure there wasn't anything that was repetitive. So in my follow-up review, and I think staff pointed this out as we were going through the process on pages 7 and 8. Questions 1 through 4 are actually covered under part B. So my first recommendation would be to remove 1 through 4 and go with the questions as they are phrased and the sequencing as provided in part B. And of course taking out part B, because I am not sure if that is appropriate under the way that we've got this application lined up. Part B was the actual phrasing that was used, I think on somebody else's application. We just took wholesale what was in their particular application. That would be my first recommendation. I have got some others as well. I think one of the other issues that we talked about, and I think the appropriate change would be on page 2. Where it talks about what is required to be provided to the BZA as part of their application process. We talked about the fact that some applicants aren't providing all the material that they are supposed to. I think we ought to put some kind of additional note that says something to the effect of failure to provide all required information may result in the matter being delayed at the digression of the, and I was not sure whether it should be the Chairman or the full Board.

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Mr. Gibbons: What I suggested is have the Chairman and Vice-Chairman be called by the staff and then if it is not complete then we delay the advertisement of the public hearing.

Mr. Apicella: That is fine, but I would say I think we need to put them on notice to say, hey if you don't provide us everything that you are supposed to, the Chairman and the Vice-Chairman...

Mr. Gibbons: Right.

Mr. Apicella: ... at their digression may defer the matter until such time as the application is complete.

Mr. Gibbons: Right.

Mr. Davis: I don't think you need to have people that are doing the deferring in here. Just indicate that it will be deferred.

Mr. Apicella: That is fine. I am just saying we need to encourage them to provide all the information...

Mr. Gibbons: Right.

Mr. Apicella: ... but put them on notice if they don't that... hey, we are not moving forward.

Mr. Gibbons: If it is an incomplete package, we are not going to advertise.

Mr. Apicella: Right.

Mrs. Stefl: But what would prevent someone from handing in an incomplete package knowing it is incomplete just to give them more time to complete it?

Mr. Gibbons: It doesn't bother me. I mean he pays the fees (inaudible) if it takes him a year to put the package together, I can't... I don't have a problem with that.

Mrs. Stefl: But they have turned in their package...

Mr. Gibbons: Yes.

Mrs. Stefl: ... and it is not complete...

Mr. Gibbons: Right. It doesn't get advertised.

Mrs. Stefl: Okay.

Mr. Ingalls: They don't have to turn it in either.

Mrs. Stefl: I guess I thought the whole point is to turn in a complete package.

Mr. Gibbons: Well that would be the incentive...

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Mrs. Stefl: (Inaudible) using staff's time. Oh really it is not included, let me go get that for you. And it is another 30 days and you know...

Mr. Apicella: Again I think the staff doesn't have to do anything...

Mr. Gibbons: Right.

Mr. Apicella: Right, up until the point where they have been provided a complete application.

Mrs. Stefl: Okay.

Mr. Gibbons: And what this does is prevent certain people from going to the Administrator and putting pressure on the staff saying, well accept it anyway and we will provide it the day before the hearing. That is what we were trying to prevent.

Mrs. Stefl: (Inaudible)

Mr. Apicella: The other point that I would make is on page 5. I think there is sort of a sub comment here about the phrasing that's in, I guess our code. I don't know that we can change what is in the code, so I don't know how we can fix it even if it might cause some concern or heartburn when you read the particular phraseology that is mentioned might not be clear. So if you look at part A, you see the highlighted in yellow portion where I guess the question is what is substantial justice done? But again I don't know how we fix what's in our ordinance unless we go back to the Board and ask them to make a change.

Mr. Ingalls: It is in the State Code. You are talking about the and...

Mr. Apicella: It may be in the State Code, I don't know. I did not compare what's in the County Code to what is in the State Code. I am just saying somebody, and it appears to be Dr. Chandler, is making a comment...

Mr. Ingalls: Yes.

Mr. Apicella: ... that what is substantial justice done mean?

Mr. Ingalls: Yes.

Mr. Apicella: And I am suggesting we don't fix that at this point in time because we don't have a way to fix it if it's in the code... State Code or County Code, it is there. We can't fix that.

Mr. Ingalls: Right, we can't take it out if it is in the code.

Mr. Apicella: Right.

Mr. Ingalls: And it is in the State Code.

Mr. Gibbons: So we will take it out?

Mr. Ingalls: The way I read the State Code.

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Mr. Apicella: So I would just take out the whole comment that is in there.

Mr. Gibbons: Okay.

Mr. Apicella: The last thing, I guess we should just talk about it. You will see at the bottom of page 5. I am not sure where this is coming from and what is the intent.

Dr. Larson: Was that highlighted sentence at the bottom of page 5, was that some comment... just to draw our attention to the comment or was that going to be part of the package?

Mr. Apicella: I don't know where it is coming from, so I am not sure why it is highlighted.

Mr. Gibbons: So why don't we just take it out?

Dr. Larson: I would take it out. I don't see any reason to leave it in there.

Mr. Gibbons: Do you have any problem with that?

Mr. Ingalls: What is that?

Mrs. Musante: All of the highlighted areas are new.

Mrs. Stefl: Right.

Dr. Larson: Okay.

Mrs. Musante: And of course it has been so long since we have discussed this application, I can't remember why we added things and why we didn't. So that may have been language that was taken from another application.

Dr. Larson: (Inaudible) something that we mentioned in the discussion with Dr. Chandler.

Mrs. Musante: It could have.

Dr. Larson: (Inaudible) lots of notes from that.

Mr. Gibbons: Right, okay.

Dr. Larson: I don't see why we need that.

Mrs. Musante: Okay.

Mr. Gibbons: So we will take that out.

Mr. Ingalls: I don't know why it's... you know.

Mr. Davis: It's more or less covered on page 3 anyway.

Mr. Gibbons: Then it's...

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Mr. Apicella: I think with those changes and then I guess staff is just going back and making sure it is in the right format, because again there is a part C. We don't have things articulated as part B, part C or shouldn't. So if they can just fix that as well. Otherwise I think with those changes it looks like a pretty... from my vantage point it looks like a pretty good application. It covers all the bases and as I mentioned in my email the more expansive line of questioning is helpful both to the applicant and to the BZA as we try to adjudicate these matters.

Mr. Gibbons: So we will clean this up and put it on for next month. And then the heading now will be not from this department, planning. This comes from the BZA so when the application is a BZA application on your heading.

Mrs. Musante: I don't know that we can do that, because it is still a Stafford County application. It is still our application. We will find out.

Mr. Gibbons: Yes, okay.

Mrs. Musante: I think this is our application so...

Mr. Gibbons: Yes, but I mean the confusion some people say, this is a Board of Supervisors or Stafford County, but it is not it is the BZA.

Mrs. Musante: It is, but all of our applications will say this and then depending on... even our applications for conditional use permits and...

Mr. Gibbons: No that...

Mrs. Musante: ... (inaudible) have that heading at the top.

Mr. Gibbons: No the conditional use permit is a county function. We do that because the Board gave that to us. Okay, now that is a part of a planning thing. Okay? So we will check with the good legal... he said he gets paid pretty good, so we will see if he gets paid pretty good.

Mrs. Stefl: Mr. Chairman.

Mr. Gibbons: Yes ma'am.

Mrs. Stefl: I do have one question. On page 4 number 8, about appeals.

Mr. Gibbons: Yes.

Mrs. Stefl: Is there anything, I don't know if it is in our hands or outside our hands or it is in the court, but if a variance is granted and there is an appeal by an (inaudible) person. Can we limit the applicant from doing said structural construction or whatever it is, for the 30 days? So just in case there is an appeal within those 30 days. Do you know what I mean?

Mr. Gibbons: I think the staff does...

Mrs. Stefl: I know we have a given issue, I am for examples. We have an issue where we granted a variance, they built the sunroom.

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Mr. Gibbons: Yes.

Mrs. Stefl: The neighbor sued.

Mr. Gibbons: Yes.

Mrs. Stefl: But he did that because he could within the 30 days.

Mr. Gibbons: Right.

Mrs. Stefl: But if for some reason he should win, we now granted the variance. I guess that is my concern.

Dr. Larson: I don't think that is a problem for us. I think it is a problem for the homeowner.

Mrs. Stefl: (Inaudible).

Dr. Larson: (Inaudible) homeowner might want to wait 30 days.

Mr. Gibbons: He took the gamble.

Mrs. Stefl: We can't ask the applicant to wait 30 days?

Dr. Larson: We don't...

Mrs. Stefl: Okay.

Dr. Larson: I don't think... I think... don't we advise the applicant? Don't we get that information to them that it could be appealed within 30 days? Isn't that written somewhere? So as long as they understand that their variance action that we took, can be appealed either way...

Mrs. Stefl: Okay.

Dr. Larson: ... within 30 days then they are sort of taking on a risk to make a modification before the 30 days is up.

Mrs. Stefl: Okay. Alright I guess I didn't realize that we tell the applicant that.

Dr. Larson: I think it is written somewhere, isn't it?

Mrs. Stefl: It is probably written somewhere, I just didn't know...

Dr. Ackermann: And it will be in this application.

Mr. Gibbons: Right.

Mrs. Stefl: Okay.

OTHER BUSINESS

3. Annual Report

Mr. Gibbons: Now the next item... so we will bring this back. Get the draft cleaned up. The next item is the annual report. I want to congratulate the staff. I thought it was a good.

Dr. Ackermann: Well done.

Mr. Gibbons: A good report. Did anybody have any problems with it?

Mr. Apicella: I am sorry, are you talking about the...

Mr. Gibbons: Annual report.

Mr. Apicella: I am sorry to be petty here, especially since this goes to the Board of Supervisors. I found a couple typos. Can I run through those?

Mr. Gibbons: Yes, that is why you call it a draft.

Mr. Apicella: Sorry Melody. And this is sort of a discussionary change, but where the sentence starts off on the first page, the BZA met 7 times, blah, blah, blah and it talks about a meeting was not held in January, July, August, November and December. I would add as there were no matters before the Board at those times.

Mr. Gibbons: Yes, instead of not failing to meet there was no requirement to meet.

Mr. Apicella: Right, just so it is clear.

Mr. Gibbons: Right. Okay?

Mr. Apicella: On page 2, the first paragraph. I think there is a typo, before the BZA saw a decrease from the 18 applications. I think it should read the number of application coming before the BZA decreased from 18 applications...

Mr. Gibbons: Decreased from 18... right.

Mr. Apicella: ... in 2010.

Mr. Gibbons: Right. Okay.

Mr. Apicella: On the 4th bullet, I think the 2 needs to be taken out so it should read an application for a variance to allow an accessory structure closer than the required 10 feet was denied. On the bullet before the last bullet, something is not right there. I can't quite make out what is wrong with it. It's just an application for a variance to further reduce the front yard requirement to all 3 acre subdivision was approved.

Mrs. Musante: It is supposed to be to allow.

Mr. Apicella: Okay. To allow a 3 acre subdivision? Okay.

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Mr. Gibbons: Okay.

Mr. Apicella: On the third page where it says legal advice. I don't think it is complete accurate to say since 2005 we have not had any legal advice, because we did have some legal advice. So I am not sure how we fix that. Didn't we have... we had the gentleman who was here...

Mrs. Stefl: Andrew.

Mr. Apicella: ... Andrew, for a while.

Dr. Ackermann: It is true that in 2005 the County said...

Mr. Gibbons: The County...

Dr. Ackermann: The County Attorney...

Mr. Apicella: I understand, but it tries to make the point that we... it says since that time the BZA has not been able to benefit from that additional assistance of an attorney. So we did have some assistance. I am just trying to be accurate. Because they can come back and say well we provided you some money...

Mr. Gibbons: No, no we were... you are right. The County Attorney did provide legal advice but it wasn't their office. He was contracted.

Mr. Apicella: I am with you. I am just suggesting the paragraph be fixed.

Mr. Gibbons: We agree with you.

Mrs. Musante: Can we just take that out...

Dr. Ackermann: Yes.

Mrs. Musante: ... and then just continue with the BZA has asked the Board of Supervisors to provide legal counsel and go on with it? And not mention...

Dr. Ackermann: The sentence...

Mrs. Musante: Just completely take it out.

Mr. Gibbons: Okay, go ahead.

Dr. Ackermann: Yes, I would guess that sentence was from a previous report.

Mrs. Musante: It is.

Mr. Gibbons: Okay.

Mr. Apicella: And I am sorry, one last change under absences in 2011, the BZA had a quorum at each of its scheduled meetings.

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Dr. Ackermann: Meetings.

Mr. Apicella: Plural.

Mr. Gibbons: Was the merlot good merlot when you read this.

Mr. Apicella: I was just doing it right here when you guys were talking other business.

Mr. Gibbons: Okay, so we will clean that up.

Dr. Larson: Mr. Chairman I have actually one comment in two places. On the second page where we were talking about issues encountered by the Board of Zoning Appeals.

Mr. Gibbons: Right.

Dr. Larson: In the two places where we show that we encountered issues could there... could we note what BZA meeting those issues were discussed? So if somebody would like to go back and see what the discussion was they could see that. Just put the date of the meeting that those issues were discussed.

Mrs. Musante: You are going to make me go back and read that stuff again.

Mr. Ingalls: You are going to put the case number and the date of it? Is that what you want there?

Dr. Larson: Yes, something where they can go back in the minutes...

Mr. Ingalls: Yes because I don't remember...

Dr. Larson: ... and see what the discussion was. It is not very clear.

Mrs. Musante: Okay.

Mr. Gibbons: I have a meeting with the County Attorney and the County Administrator sometime next week. The budget will be presented to the Board, then they are going to meet and we will go over our request for legal. The Chairman of the Board wants it... to come up with a line item and then they are going to sit down with the staff and say okay, when they came back and said staff will not make recommendations. They are going to put it in the document and then we all agreed to that. What we discussed the last 2 months, we are just going to put it in writing so everybody agrees who does what. They thought it was a good thing. Alright, so we will have that... does everybody want to take another cut on that or if she makes the corrections, just send it to the Board. Any problem with that?

Dr. Ackermann: I am pretty useless at proof reading, so I am fine. Go ahead.

Mr. Gibbons: Is that okay, Steven.

Mr. Apicella: I don't get a vote.

Mr. Gibbons: I asked you, you are okay.

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Dr. Larson: I agree with all the changes that Mr. Apicella suggested.

Mr. Gibbons: When you get done Melody, type it and we will send it to the Board. The next to the last thing is the minutes. The minutes of January 24th. Any corrections, deletions or changes?

ADOPTION OF MINUTES

4. January 24, 2012

Dr. Ackermann: I did not see anything.

Mr. Gibbons: All in favor say aye.

Dr. Larson: Aye.

Dr. Ackermann: Aye.

Mrs. Stefl: Aye.

Mr. Ingalls: Aye.

Mr. Gibbons: Aye. All opposed. One abstention. Mr. Kim...

Mr. Davis: Two.

Mr. Gibbons: Two? Mr. Davis.

Mrs. Musante: Mr. Davis.

ZONING ADMINISTRATOR REPORT

A. Election of Officers

Mr. Gibbons: Okay, now the last item of the day is the last item of the year. We need election of officers for this coming year. I am sure the Vice-Chairman... do you want to...

Dr. Larson: Well Mr. Chairman since you have done such a great job over the last few years as Chairman, I would like to nominate you for another term as Chair.

Mr. Gibbons: Any other nominations? I need to have a second.

Mr. Kim: I second it.

Mr. Ingalls: Mr. Kim seconded.

Mr. Gibbons: All in favor say aye.

Dr. Larson: Aye.

Dr. Ackermann: Aye.

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Mrs. Stefl: Aye.

Mr. Ingalls: Aye.

Mr. Davis: Aye.

Mr. Kim: Aye.

Mr. Gibbons: Aye. All opposed.

Mr. Gibbons: I would like to nominate the current Vice-Chairman to continue.

Dr. Ackermann: I second that.

Mr. Gibbons: Okay. All in favor say aye.

Dr. Larson: Aye.

Dr. Ackermann: Aye.

Mrs. Stefl: Aye.

Mr. Ingalls: Aye.

Mr. Davis: Aye.

Mr. Kim: Aye.

Mr. Gibbons: Aye. All opposed. Okay, thank you very much. That takes that...

Mr. Ingalls: Secretary.

Mrs. Musante: Mr.... right, we need a secretary.

Mr. Gibbons: Danny you are the new guy on the block.

Mr. Kim: Yes.

Dr. Larson: Thrown under the bus again.

Mr. Gibbons: Okay, so Mr. Kim will be the secretary. All in favor say aye.

Dr. Larson: Aye.

Dr. Ackermann: Aye.

Mrs. Stefl: Aye.

Mr. Ingalls: Aye.

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Mr. Davis: Aye.

Mr. Kim: Aye.

Mr. Gibbons: Aye. All opposed.

Dr. Ackermann: That is wonderful.

Mr. Gibbons: Now when we get done with the meeting with the Attorney and the County Administrator, then I will address something that might be good to everybody of what it is because we have definitely asked for representation for the meetings.

Dr. Ackermann: Right.

Mr. Gibbons: And we have a pretty good bid from some law firm out of Fredericksburg. Anything else?

Dr. Ackermann: Is there a Zoning Administrator report?

Mr. Gibbons: Yes. I think so that is why she is here.

Dr. Ackermann: Okay.

Mrs. Blackburn: No there is no Zoning Administrator's report. Miss Melody took care of everything so that was good.

Mr. Gibbons: Okay and we want to thank you for being here and I want to thank the dialogue in the last month about how we are going to conduct the business. You know what they will do and what we will do, I think is (inaudible) and everybody up at the staff... the administrators thought that was good. Just to get it defined and we get out of the way.

Mrs. Musante: Mr. Gibbons I have one other thing. Just to give you all a heads up the minute format may be changing. So, we don't know what yet and what the changes are coming but they may no longer be verbatim.

Dr. Ackermann: Well that is good.

Mr. Apicella: Mr. Chairman, I can speak to that I think, at least partially. We had this conversation at the Planning Commission meeting a week or two ago. And it was recommended to us, and I think we essentially agreed that a verbatim package of minutes was not necessary. It takes an inordinate amount of time to do a verbatim transcript. And I think the way that we were headed is a summary of what was discussed. And that would be sufficient for both purposes of the Planning Commission in terms of remembering what we did and providing that information to the Board of Supervisors.

Mr. Gibbons: But the minutes have got to be recorded somewhere. Either on a CD or somewhere, so you can go back and read it.

Mr. Apicella: Right.

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Dr. Ackermann: Sure.

Mrs. Stefl: And especially since our decisions could end up in court too.

Mr. Apicella: But the recorded...

Mrs. Stefl: The recorded...

Mr. Apicella: ... minutes will take care of that.

Dr. Ackermann: Yes.

Mrs. Stefl: Okay, alright, good.

Dr. Larson: So we will have 2 sets of minutes, is that what we are saying.

Mr. Gibbons: No we....

Mrs. Stefl: No.

Mr. Gibbons: We are saying that... what we have asked for... the Board, they use the iPads and I guess they want the Planning Commission to use an iPad too?

Mr. Apicella: That has not been discussed yet, Mr. Chairman.

Mr. Gibbons: Okay, but what we have brought up is that all of the... and the County has done a good job (inaudible). All of the documentation now is up on line. So in other words if we wanted to look at minutes of a meeting from 2 years ago we can just go into the system, go up and pull it and bring it down and take a look at it. So that to me is more important than having an iPad, to have access to the data.

Mr. Apicella: Well again, I think part of the driver here is the staff time it takes to do a verbatim transcript of the minutes. Because that could always be, if necessary someone could go back later on and take the recorded, the tape and type up the minutes if necessary. But it is not necessary or it... again it takes up a lot of staff time to do a transcript. So I think that's largely driving... I can't remember what they said, do you remember at that meeting? Susan you were there as well, wasn't it like an hour for like a page?

Mrs. Blackburn: Oh yes, it an hour of typing for 10 minutes of audio.

Mr. Apicella: Right.

Mrs. Blackburn: It takes a lot of time.

Dr. Larson: I don't have any problem at all. That is more of a customary way to do it anyway is more of a summary.

Dr. Ackermann: Yes.

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Dr. Larson: But my question, based on the comment by Heather and the fact that we may have to have a court proceeding... so we keep the recorded...

Mrs. Blackburn: Yes.

Dr. Larson: ... minutes? And that is why we talk into the mic.

Mrs. Blackburn: And I think we are working on... how many years do we have to keep them?

Ms. Knighting: We do keep them, but according to the Library of Virginia, the audio can be destroyed as soon as the minutes are approved.

Mr. Gibbons: I did not hear that.

Mrs. Blackburn: The audio can be... according to the Library of Virginia. The audio tapes can be destroyed as soon as the minutes are approved. But we are not going to be following that.

Mr. Gibbons: I don't think you can. If you are not making a transcript of it, then I don't think you can destroy it.

Ms. Knighting: We are going to have written minutes, they are just not going to be verbatim.

Mr. Gibbons: Yes, but you have got to remember, that is why I want to talk to (inaudible) gentlemen up there. There is a difference between the variants. But when you are dealing with a legal issue, which we deal with, there are different laws that govern part of these minutes. And that is what we have got to check on.

Mrs. Blackburn: Right.

Mr. Gibbons: So as long as it is recorded on a CD or DVD somewhere and it is archived and it can be brought back and then transcribed, then you can hire a woman to transcribe it for a court case.

Mrs. Blackburn: Right.

Mrs. Stefl: Or a gentleman.

Dr. Ackermann: Or a man.

Dr. Larson: Or software.

Mr. Gibbons: Got it.

Mrs. Stefl: Some computer I am sure will do it.

Mr. Ingalls: Melody, do we have any cases for next month?

Dr. Ackermann: Oh, it's a good one.

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Mrs. Musante: We have received an appeal of a letter that was written by the Director of Public Works, regarding an acceptance of a building permit application.

Mrs. Stefl: Okay.

Mr. Gibbons: Wait a minute now.

Dr. Ackermann: What does that...?

Mr. Gibbons: Explain that to us.

Mrs. Blackburn: We don't know what that means either.

Mr. Ingalls: So we do have a case next month?

Mrs. Musante: Yes.

Mrs. Blackburn: Yes.

Mr. Apicella: I am sorry, maybe I am speaking out of turn because I am an alternate. But I... how does that apply to us? I know we look at appeals from the Zoning Administrator, but from the Public Works Director? How is that within our purview?

Mrs. Blackburn: We have been in contact with legal about this whole thing and it has been determined that the application was compete for what it was. And if they deemed to appeal, they can appeal. Now whether or not it's valid, that seems to... legal's discussion on that....

Mr. Apicella: Susan I understand. I am just saying I thought the Board of Zoning Appeals purview is pretty limited. It says in the ordinance that establishes the Board of Zoning Appeals that we hear appeals from the Zoning Administrator.

Dr. Larson: It is any County Official...

Mrs. Blackburn: You can branch, yes.

Dr. Larson: ... but it has to do with the zoning laws.

Mrs. Blackburn: Right.

Dr. Larson: It does not sound like this is a zoning issue.

Mr. Kim: Okay, I guess we will figure it out soon.

Mrs. Blackburn: That is what (inaudible) official that has been designated...

Dr. Larson: It is a little broader than...

Mr. Apicella: Okay, I have got you. But wouldn't we want an attorney come to us and tell us that that is appropriate for us to consider, because it has ramifications down the road.

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Mr. Gibbons: Well that is what she is saying, they went to the County Attorney and he says...

Mr. Apicella: I under... If I am here I would like to have the County Attorney tell me this is within our purview to adjudicate.

Mr. Gibbons: I will go and get... I will ask him to render a (inaudible). No I will have him give you a letter. Now the other thing before we adjourn, we did... I gave every one of you a picture of Christy Estates.

Dr. Ackermann: Yes.

Dr. Larson: Yes.

Mrs. Stefl: I drive by there all the time, very nice.

Mr. Gibbons: So we have finally... just to change the letters was \$2,486.

Mr. Davis: If they had done it right the first time...

Dr. Larson: Well that was a sad situation. The developer...

Mr. Gibbons: Took advantage of...

Dr. Larson: ... took advantage of the people.

ADJOURNMENT

Mr. Gibbons: Okay, anything else? We will adjourn for the evening.

With no further business to discuss, the meeting adjourned at 8:36 p.m.

Robert C. Gibbons, Chairman
Board of Zoning Appeals